

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00226-05

SCOTT MARSHALL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 5, 2013, the United States of America appeared by R. Gregory McVey, Assistant United States Attorney, and the defendant, Scott Marshall, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham. The defendant commenced a five-year term of supervised release in this action on July 23, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 16, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on February 19, March 4 and June 24, 2013, as well as the defendant's admission to the probation officer that he possessed and used marijuana approximately every day for over five months, and a positive urine specimen submitted by him on April 17, 2013, for cocaine and his admission that same date to the probation officer that he had possessed and used cocaine; (2) that the defendant failed to abide by the special condition that he spend a period of up to six months at Dismas Charities in that he entered the program on March 4, 2013, and on May 22, 2013, was terminated from the program inasmuch as he left the facility that date and failed to return; and (3) that the defendant failed to notify the probation officer of his change in residence inasmuch as he was terminated from Dismas Charities on May 22, 2013, without notifying the probation officer, rendering his whereabouts unknown until the filing of the petition on June 14, 2013, as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

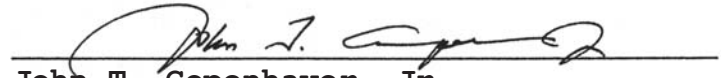
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of one (1) year of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition

that the defendant spend a period of six (6) months engaged in an intensive out-patient treatment and aftercare program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 27, 2013


John T. Copenhaver, Jr.
United States District Judge